

Carroll County Sheriff's Office

Standard Operating Procedures

Employee Related Domestic Violence – A040

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Carroll County Sheriff's Office

Standard Operating Procedures

SUBJECT Employee Related Domestic Violence	EFFECTIVE DATE May 01, 2010	SOP # A040
REFERENCE Employee Related Domestic Violence		
SPECIAL INSTRUCTIONS		
DISTRIBUTION All Sworn and Non Sworn Personnel		# PAGES 4

I. PURPOSE

The purpose of this policy is to establish guidelines to follow when sworn and non sworn personnel of the Carroll County Sheriff's Office are involved in a domestic related incident.

II. POLICY

It is the policy of the Carroll County Sheriff's Office to ensure that when sworn and non sworn personnel are involved in a domestic violence related incident, the department will provide a response that abides by state law "O.C.G.A. 19-13-1" (attached) and federal law "18 U.S.C. Section 922 (g) 8-9" (attached). This policy shall apply to all sworn and non sworn personnel.

III. DEFINITIONS

- A. **Intimate Partner-** An intimate partner will be recognized as a spouse, a former spouse, a person who shares a child in common with the victim, or a person who cohabits or has cohabited with the victim.
- B. **Qualifying Misdemeanor Crime of Domestic Violence-** The misdemeanor crime will qualify if the conviction was for a crime committed by an intimate partner, parent or guardian of the victim that required the use or attempted use of physical force or the threatened use of a deadly weapon as required by O.C.G.A. 19-13-1 and 18 U.S.C. Section 922 (g) 8-9.

IV. PROCEDURES

Under federal law 18 U.S.C. 922 a person convicted of any qualifying misdemeanor crime of domestic violence is prohibited from owning or possessing a firearm or ammunition. The prohibition applies to persons convicted of such misdemeanors at any time, even if the conviction occurred prior to the September 30, 1996 effective date. In addition the law prohibits the possession of a firearm or ammunition by any person under a domestic related restraining order.

Therefore, law enforcement officers convicted of offenses involving weapons or threats of force in domestic situations or under a domestic related restraining order may therefore be unable to maintain their employment.

A. Domestic Violence Outside Jurisdiction

When sworn or non sworn personnel of this department are involved in a domestic related dispute outside the jurisdiction of this department in which a report is completed or an arrest is executed, the following guidelines will be followed:

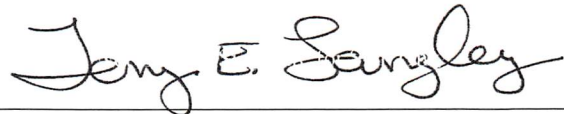
1. the deputy or employee shall contact his or her chain of command and advise them of the incident within 12 hours of the incident;
2. the deputy or employee shall notify his or her chain of command up to and including the Sheriff of any criminal actions pending;
3. if the deputy or employee is arrested, the watch commander under the order of the Sheriff or his designee shall advise the employee that they are on non-disciplinary administrative leave until scheduled to meet with the Sheriff or his designee in reference to their employment status;
4. after approval from the Sheriff or his designee, the designated internal affairs investigator will conduct an investigation from an administrative perspective if criminal charges are pending, made, or a report is filed.

B. Domestic Violence Inside Jurisdiction

When sworn or non sworn personnel of this department are involved in a domestic related dispute within this jurisdiction which is reported to the police or the District Attorney's Office, the following guidelines will be followed:

1. if the primary physical aggressor is a deputy or employee of this office, the responding deputy shall summon the watch commander, who shall in turn notify his or her chain of command;

2. if there is probable cause for criminal charges, the employee will be placed under arrest pursuant to (SOP P050 – Domestic Violence);
3. the watch commander, at the order of the Sheriff or his designee, will advise the deputy / employee that they are on non-disciplinary administrative leave until scheduled to meet with the Sheriff or his designee in reference to their status;
4. the watch commander at the order of the Sheriff or his designee, may secure all departmental issued weapons and equipment, and if provided, a county take home vehicle (see S.O.P. A034, Code of Conduct);
5. to ensure the safety of the employee, the arresting deputy will advise the intake personnel of the law enforcement status of the employee taken into custody;
6. the watch commander will forward a copy of the written report to the Major, Chief Deputy, and the Sheriff. This report shall include all documents generated in this incident.



Terry E. Langley, Sheriff
Carroll County Sheriff's Office

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Carroll County Sheriff's Office

Standard Operating Procedures

Domestic Violence - P060

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Carroll County Sheriff's Office

Standard Operating Procedures

SUBJECT: Domestic Violence	EFFECTIVE DATE: May 01, 2010	SOP # P050
REFERENCE: Initial Response, Investigation, Arrest Decision, Assistance to Victims		
SPECIAL INSTRUCTIONS:		
DISTRIBUTION: All Sworn and Non-Sworn Personnel		# PAGES 9
GLECP STANDARD:	CALEA STANDARD:	

I. PURPOSE

The principal purpose of this policy is to establish guidelines and procedures to be followed by deputies and other personnel (i.e. Communications) involved in the law enforcement response to Domestic / Family Violence calls. Other purposes and goals of this policy are:

- To reduce the incidence and severity of Domestic Violence by establishing arrest and prosecution, rather than mediation, as the preferred means of law enforcement response to Domestic Violence.
- To afford maximum protection and support to victims of Domestic Violence through a coordinated program of Law Enforcement and Victim Assistance.
- To ensure that Law Enforcement services are as available in Domestic Cases as they are in other criminal cases.
- To reaffirm the deputy's authority and responsibility to make arrest decisions according to established probable cause standards.
- To promote Officer Safety by ensuring that deputies are as fully prepared as possible to respond to Domestic Calls.
- To help reduce law enforcement resources consumed in responding to Domestic Violence by reducing the number of law enforcement interventions required by any particular household.

II. POLICY

Domestic Violence is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. Notwithstanding that difference, law enforcement should respond to Domestic Violence as they would respond to any crime.

Deputies should arrest and pursue criminal remedies appropriate to the crime that the deputies have probable cause to believe the accused has committed. In recognition of the difference between Domestic Violence and other crimes, however, when possible and feasible under the circumstances, law enforcement also should provide victims with special assistance, including efforts to ensure that victims are informed of services available to victims of Domestic Violence.

"Covered Relationships" include: past or present spouses, parents and children, stepparents and stepchildren, foster parents and foster children, persons who are parents of the same child, or other persons of the same or opposite sex, living or formerly living in the same household as in accordance with the Georgia Statue 19-13-1.

III. PROCEDURES

A. Initial Law Enforcement Response

Approaching the Scene:

The responding deputy should approach the scene of a Domestic Dispute as one of high risk. Whenever possible, two (2) Deputies will respond to a Domestic Call.

The deputy should obtain all available information from the dispatcher before arriving at the scene and will notify the dispatcher upon arrival.

Initial Contact with Occupants:

The deputy(s) should ask to see the person who is the subject of the call. If the person who called the police is someone other than the subject of the call, the deputy(s) should not reveal the caller's name.

Once inside, the responding deputy(s) should establish control by:

- Identifying potential weapons on the surroundings.
- Separating the victim and the assailant.
- Assessing injuries, administering first aid, or activating Fire/Rescue EMS.

- Restraining the assailant if necessary, and removing the assailant to the patrol car if immediate arrest is warranted.
- Inquiring about the nature of the dispute.
- Identifying all occupants/witnesses on the premises.
- Separating occupants/witnesses from the victim and accused, and keeping them out of hearing range so as to avoid compromising the witness status.

On-Scene Investigation:

The responding deputy(s) should interview all parties involved to identify the victim(s) and the assailant(s). Primary aggressor status with evidence of injury should be used in making this determination to safeguard against re-victimizing the victim through arrest.

The deputy(s) should ensure the victim's safety and privacy by interviewing the victim in an area apart from the assailant, witnesses, and bystanders. In questioning the victim, the deputy(s) should use supportive interview techniques. The deputy(s) should ask the victim about previous Domestic Incidents, their frequency and severity. The deputy(s) should not tell the victim what action is contemplated until all available information has been collected.

If the accused is in custody before the interview, the accused must be given Miranda Warnings before any questioning takes place. If the accused has fled the scene, the deputy(s) should solicit information regarding the possible whereabouts of the accused (place of employment, relatives, friends, etc.).

The deputy(s) should interview any witnesses as fully and as soon as circumstances allow. If witnesses provide information about prior incidents, the deputy(s) should document such incidents to establish a pattern.

Signs of trauma and any apparent healing of abuse wounds on the child should be noted by the deputy(s). The deputy shall contact their immediate supervisor. The supervisor shall determine if any further action or notification is necessary.

The deputy(s) should collect and / or preserve all physical evidence necessary to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack (weapons, torn clothing, etc.), and evidence recording the crime scene. The deputy(s) should ensure that photographs are taken of visible injuries on the victim and of the crime scene.

The deputy(s) should encourage the victim to seek an emergency room examination. The deputy(s) should ask about injuries of the victim that are concealed by clothing or otherwise not readily apparent. Also, because bruises may not appear for several days after an assault, the deputy(s) should advise the victim to contact the sheriff's office for photographs. All physical evidence should be collected, noted in reports, and logged into evidence as in other criminal investigations.

B. The Arrest Decision

The responding deputy(s) should arrest the assailant whenever there is probable cause to believe an Act of Family Violence has occurred as defined in O.G.C.A. 19-13-1. If the deputy(s) decides not to arrest, he must include in his / her report of the incident a detailed explanation of the reasons why an arrest was not made.

Georgia Code Section 17-4-20 states that “an arrest for a crime may be made by a Law Enforcement Officer either under a warrant or without a warrant if the offense is committed in his presence or within his immediate knowledge; if the offender is attempting to escape; if the Officer has probable cause to believe that an act of family violence, as defined in Code Section 19-13-1, has been committed; if the Officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult, who shall be for the purposes of this subsection a person 18 years old or older who is *unable to protect himself or herself from physical or mental abuse because* of a physical or mental impairment; or for other cause if there is likely to be a failure of justice for want of a judicial officer to issue a warrant.”

Further procedural guidance for arrest in Family Violence situations is provided in Georgia Code Section 19-13-1. Section 19-13-1 defines Family Violence as “the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

- any felony; or
- commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.”

The term Family Violence will not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

Under OCGA 17-4-20.1, whenever a Law Enforcement Officer responds to an incident in which an Act of Family Violence, as defined in OCGA 19-13-1, has been committed, the Officer shall not base the decision of whether to arrest and charge a person on the specific consent of the victim, on a request by the victim solely, or on consideration of the relationship of the parties. No Officer investigating an incident of Family Violence shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for Law Enforcement intervention. Where complaints of Family Violence are received from two or more opposing parties, the Officer shall evaluate each complaint separately to attempt to determine who the primary aggressor was. If the Officer determines that one of the parties was the primary physical aggressor, the Officer shall not be required to arrest any other person believed to have committed an Act of Family Violence during the incident. In determining whether a person is a primary physical aggressor, an Officer shall consider:

- Prior family violence involving either party
- The relative severity of the injuries inflicted on each person
- The potential for future injury
- Whether one of the parties acted in self-defense

It is the deputy's responsibility to decide whether an arrest should be made. The deputy(s), therefore, should not consider the victim's opposition to arrest and should emphasize to the victim, and to the accused as well, that the criminal action thus initiated is the action of the State of Georgia, not the action of the victim.

If the deputy(s) arrests for the commission of a crime, the deputy(s) should confiscate all weapons used or threatened to be used in the commission of the crime, and such weapons should be held as evidence for prosecution.

There are going to be situations where the parties refuse to separate and refuse, or are afraid, to obtain a warrant and the likelihood of a property damage or bodily injury exists to such an extent that a deputy(s) has no recourse but to act. If such circumstances exist and if a deputy(s) has probable cause to believe that an Act of Family Violence has occurred, the deputy(s) will make an arrest and charge the individual with the specific crime.

C. Effecting the Arrest

If the suspect has fled the scene, the deputy(s) should initiate procedures to pursue and apprehend the accused as promptly as possible, since the risk is high in Domestic Violence cases that the accused will return to the victim's residence or the scene of violence.

When the accused is a juvenile, the provisions of this policy will be fully applicable, except that the arrest should be made and the juvenile processed pursuant to the Juvenile Code.

Domestic Disturbances involving prominent citizens, public officials, or deputies may present particular difficulties for the responding deputy(s). In such circumstances, the responding deputy(s) should request a supervisor at the scene. The responding deputy(s) should take whatever action is necessary to protect the victim and detain the assailant while awaiting the arrival of the supervisor (**See SOP A040 - Employee Related Domestic Violence**).

D. Procedure for when arrest is not authorized, or when authorized, is not made

If the arrest is not authorized because of the absence of probable cause to believe a crime has been committed, or if arrest is authorized but not made (for reasons to be detailed in an incident report), the deputy(s) should:

- Explain to the victim the reasons that an arrest is not being made
- Advise the victim of procedures for obtaining a warrant
- Encourage the victim to contact the Family Violence Shelter for information regarding counseling and other services available to victims of Domestic Violence

In the absence of a warrant or probable cause to believe a crime has occurred, the deputy(s) should remain neutral and be concerned primarily with maintaining the peace and safety of those present.

The deputy(s) should not become involved in the disposition of personal property ownership of which is in dispute.

E. Other On-The-Scene Assistance to the Victim and Dependents

Whether or not an arrest is made, the responding deputy(s) should not leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated. The deputy(s) should stand by while victims gather necessities for short term absences from home, such as clothing, medication, and necessary documents.

Whether or not an arrest is made, the deputy(s) should notify the victim of the availability of a shelter or other services of the community.

If an arrest is made or an arrest warrant obtained, the deputy(s) should:

- Advise the victim of what procedure will happen next, including the probability that the accused will only be in custody for a short period of time.
- Obtain the address and telephone number where the victim can be contacted if the victim decides to leave the residence (being careful that the accused cannot overhear).
- Provide the victim with the Incident Report Number and Victim / Witness information.

If the victim does not speak English, the deputy(s) should try to arrange for translation of the foregoing notices and advice. If the suspect does not speak English, the deputy(s) should try to arrange for translation through an interpreter. In circumstances in which it is necessary for the victim to temporarily leave the residence, the deputy(s) should offer the victim assistance in locating lodging with family, friends, in public accommodations or at a Domestic Violence Shelter. The deputy(s), upon request of the victim, should help arrange transportation to emergency housing or a medical facility.

Elder victims and dependents:

When a victim of Domestic Violence is elderly and the accused is the sole caretaker, and an arrest is indicated, or when the victim of Domestic Violence is the sole caretaker of a physically dependent elder and the victim can no longer provide care (for example, when the victim is hospitalized), the responding deputy(s) should determine whether the elder is physically endangered, either as a result of the abuse, a pre-existing medical condition, or the removal of a caretaker. If the elder is physically endangered and mentally alert, the deputy(s) should ask the elder for the name of a relative or friend who can be contacted immediately to assist the elder.

If there is no one available to assist the elder, or if the elder appears not to be mentally alert, the deputy(s) should contact their immediate supervisor. The supervisor shall determine any further action that is necessary. This may include making an emergency referral to Adult Protective Services and / or Council on Elder Abuse during business hours or note in the report that an emergency referral needs to be made.

Child victims and dependents:

When the victim of abuse is a minor child, the investigating deputy should arrest the assailant upon probable cause to believe that a crime has been committed. The deputy's immediate supervisor will be contacted. The supervisor will in turn notify an investigator and DFACS.

If the child is physically injured, arrangements should be made for transportation to a medical facility. The deputy(s) should escort or arrange for another deputy or investigator to meet the child at the medical facility. The deputy / investigator should provide victim notification as described in this protocol to an adult caretaker of the child who is not the perpetrator of the abuse or notify DFACS.

If the accused is arrested and is the sole caretaker of a child, or if the victim is the sole caretaker of a child and can no longer provide care (for example the victim is hospitalized), the deputy's immediate supervisor will be contacted and the supervisor will in turn notify DFACS and turn the children over to them.

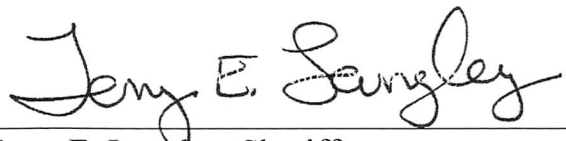
F. Processing the Accused

A person arrested without a warrant should be charged with any crime which is a result of the incident (i.e., simple assault, battery, aggravated assault, etc.).

G. Written Report

Family Violence Report:

- Whenever a deputy investigates an incident of Family Violence, whether or not an arrest is made, the deputy shall prepare and submit to the supervisor or other designated person, a written report of the incident entitled, "Family Violence Report." Forms for such reports shall be designed and provided by the Georgia Bureau of Investigation.



Terry E. Langley, Sheriff
Carroll County Sheriff's Office

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